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May 24, 1993

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BY HAND

Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of)	MM Docket No. 93-94
)	
Scripps Howard)	File No. BRCT-910603KX
Broadcasting Company)	
)	
For Renewal of License of)	
Station WMAR-TV,)	
Baltimore, Maryland)	
)	
and)	
)	
Four Jacks)	File No. BPCT-910903KE
Broadcasting, Inc.)	
)	
For a Construction Permit for)	
a New Television Facility on)	
Channel 2 at Baltimore, Maryland)	

To: The Honorable Richard L. Sippel
Presiding Administrative Law Judge

MOTION TO STRIKE

Scripps Howard Broadcasting Company ("Scripps Howard"), licensee of Station WMAR-TV, Baltimore, Maryland and an applicant for renewal in the above-referenced proceeding, hereby moves to strike the "Opposition to Renewal Broadcasting Claim of Scripps Howard Broadcasting Company" (sic) ("Opposition") filed by Four Jacks Broadcasting, Inc.

1. Pursuant to the Presiding Judge's Prehearing Conference Order, FCC 93M-146 (the "Order"), Scripps Howard filed its Renewal Expectancy Claim. In accordance with the Order, Scripps Howard stated the period for which it would claim renewal expectancy and the number of witnesses who would testify on behalf

~~of the claim. Even though not required by the Order, Scripps~~

Howard also supplied some of the relevant case law that supported its claim of renewal expectancy.

2. Four Jacks Broadcasting, Inc. ("Four Jacks") has now opposed Scripps Howard's Renewal Expectancy Claim by filing a pleading which is not authorized by either the Commission's Rules or the Presiding Judge's Order. In this unauthorized pleading, Four Jacks takes the extraordinary position that Scripps Howard's claim of renewal expectancy should be rejected outright without any opportunity to present evidence or legal arguments. Four Jacks offers no precedent for its position and, indeed, there is no precedent to support the proposition that a renewal applicant in the same position as Scripps Howard should not be able to offer evidence on its renewal expectancy.

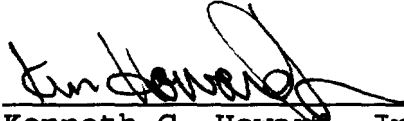
3. Any arguments concerning the proper period for which Scripps Howard is entitled to assert its renewal expectancy should be addressed either in pre-trial briefs filed at the direction of the Presiding Judge or in the parties' Proposed Conclusions of Law filed pursuant to § 1.263 of the Commission's Rules. Such a fundamentally important issue should not be decided based on Four Jacks' unauthorized pleading. Scripps Howard will, of course, submit any briefs the Presiding Judge may order.

WHEREFORE, Scripps Howard Broadcasting Company respectfully moves that the "Opposition to Renewal Broadcasting

Claim of Scripps Howard Broadcasting Company," filed by Four Jacks
Broadcasting, Inc., be stricken.

Respectfully submitted,

Scripps Howard
Broadcasting Company

By: 
Kenneth C. Howard, Jr.
Leonard C. Greenebaum
David N. Roberts

Its Attorneys

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Dated: May 24, 1993

Certificate of Service

I, Diane Wright, a secretary in the law offices of Baker & Hostetler, hereby certify that I have caused copies of the foregoing "Motion to Strike" to be sent via First Class United States Mail this 24th day of May, 1993 to the following:

The Honorable Richard L. Sippel*
Administrative Law Judge
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